

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ATMEL CORPORATION, a Delaware corporation; ATMEL SWITZERLAND, a corporation; ATMEL FRANCE, a corporation; and ATMEL SARL, a corporation,

Plaintiffs,

v.

AUTHENTEC, INC., a Delaware corporation,

Defendant.

Case No. 06 CV 2138 CW

**STIPULATION AND [PROPOSED] ORDER
STAYING DISCOVERY AND RESETTING
CASE SCHEDULE**

The parties hereby submit this Stipulation and Proposed Order Staying Discovery and Resetting Case Schedule. The parties agree that an interim stay of discovery is appropriate in view of the currently pending Motion to Dismiss and the current state of discovery. The parties also agree to a revised schedule that extends the re-opened discovery period for 60 days in the event that the Motion to Dismiss is denied. In view of the foregoing,

IT IS HEREBY STIPULATED by and between Plaintiffs Atmel Corporation, Atmel Switzerland, Atmel France, and Atmel SARL (collectively "Atmel") and Defendant AuthenTec, Inc. ("AuthenTec") as follows:

1. Discovery (including discovery motion practice) is hereby stayed until the motion to dismiss is decided. Notwithstanding the above, the stay is to be lifted after 60 days unless a party can show good cause not to lift the discovery stay.

2. During the stay, the parties will meet and confer in an attempt to resolve all outstanding discovery disputes. If the parties reach agreement that certain discovery should occur, each party will have ten (10) days after the stay is lifted to comply with the agreed upon discovery obligations.

3. If the motion to dismiss is denied, and the stay is lifted, the discovery period will be 90 days, and the remainder of the schedule (including claim construction discovery and briefing) will be reset in accordance with the terms of the current schedule after the close of the new discovery period. Either party may request additional time for discovery on a showing of good cause.

4. The parties' agreement is without prejudice to either parties' respective positions on the propriety of the Florida action.

5. Atmel's objections to AuthenTec's deposition notices served on May 8, 2007 may be served ten (10) days after the discovery period re-opens.

Dated: May 17, 2007

SIDLEY AUSTIN LLP

By: /s/ Olivia M. Kim

Olivia M. Kim

Attorneys for Plaintiffs

ATMEL CORPORATION, ATMEL SWITZERLAND, ATMEL FRANCE, and ATMEL SARL

Dated: May 17, 2007

HOWREY LLP

By: /s/ Denise M. De Mory

Denise M. De Mory

Attorneys for Defendant
AUTHENTEC, INC.

1 **ATTESTATION AS TO CONCURRENCE**

2 I, Denise M. De Mory, under penalty of perjury of the laws of the United States of America,
3 attest that concurrence in the filing of this document has been obtained from each of the other
4 signatories to this document.

5 _____
6 /s/ Denise M. De Mory
Denise M. De Mory

7 **IT IS SO ORDERED.**

8
9 Dated: May 21, 2007
10



11 _____
12 HON. CLAUDIA WILKIN
13 JUDGE, UNITED STATES DISTRICT COURT
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28